

## LOCAL LAW NO. "G" FOR 2021

### A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM

Introduced: 6/14/21

By Ms. Plotsky, Messrs. Touchette, Smith, A. Joyce, Feeney, Efekoro, R. Joyce, Ms. McLaughlin, Messrs. Peter, Ricard, Ward, Burgdorf, Drake, Ms. Lockart, Messrs. Mauriello, Perlee, Tunny, Mss. Whalen and Cunningham:

BE IT ENACTED by the County Legislature of the County of Albany as follows:

#### SECTION 1. Title

This Local Law shall be known as "A Local Law Adopting a Pilot Youth Deer Hunting Program."

#### SECTION 2. Purpose

Consistent with the provisions of Environmental Conservation Law section 11-0935, this Local Law is adopted to authorize the expansion of youth hunting and allow licensed hunters ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian, or mentor.

#### SECTION 3. Authority

This Local Law is adopted under the authority granted by:

1. Article IX of the New York State Constitution, § 2[c];
2. New York Municipal Home Rule Law, § 10; and
3. New York Environmental Conservation Law § 11-0935.

#### SECTION 4. Definitions

1. "Eligible area" means any county within the State of New York that has enacted a local law authorizing participation in a youth hunting pilot program, and has notified the New York State Department of Environmental Conservation of such participation.
2. "Hunting license holder" means a person who has successfully completed a hunter education/safety course, and currently holds a valid hunting license issued by the New York State Department of Environmental Conservation.
3. "Legal guardian" means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three years of prior experience hunting deer as a hunting license holder.

4. "Mentor" means a person who (a) currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, (b) is twenty-one years of age or older, (c) has at least three years of prior experience hunting deer as a hunting license holder, and (d) has been designated in writing by a minor's parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation to serve as a mentor to said minor for purposes of the Pilot Youth Deer Hunting Program.
5. "Minor" means a youth twelve or thirteen years of age who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation to hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within an eligible area.
6. "Parent" means a person who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, has at least three years of prior experience hunting deer as a hunting license holder, and is the parent of the minor participating in the Pilot Youth Deer Hunting Program.
7. "Physical control" means that the physical proximity of a minor to a parent, legal guardian or mentor and is such that the parent, legal guardian or mentor is (a) reasonably able to issue verbal directions and instructions, (b) maintain constant visual contact, and (c) otherwise able to provide guidance and supervision to the minor.

#### SECTION 5. Opt-In Authorization

The youth hunting opportunities authorized by Environmental Conservation Law section 11-0935 shall be applicable within the boundaries of the County of Albany upon (a) the adoption of this Local Law by the County Legislature for the County of Albany, State of New York, and (b) notice provided to the New York State Department of Environmental Conservation of the adoption of this Local Law.

Albany County hereby elects to participate in a Pilot Youth Deer Hunting Program to allow minors ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian or mentor.

#### SECTION 6. Eligibility and Requirements.

1. A minor aged 12 or 13 may hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within the County of Albany when accompanied by, and is under the physical control of, a parent, legal guardian or mentor as those terms are defined by Section 4 of this Local Law.
2. A minor participating in the Pilot Youth Deer Hunting Program in an eligible area must be in possession of a valid New York State hunting license and valid tags, as appropriate, while afield at all times. The accompanying parent, legal guardian or mentor must also be in possession of a valid New York State hunting license at all times when supervising a minor participating in the Pilot Youth Deer Hunting Program.
3. A minor and the accompanying parent, legal guardian or mentor must display either a minimum total of two hundred fifty square inches of solid fluorescent

orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.

4. A minor aged 12 or 13 participating in the Pilot Youth Deer Hunting Program must remain at ground level at all times when hunting deer with a crossbow, rifle, shotgun, or muzzle-loading firearm.
5. A minor participating in the Pilot Youth Deer Hunting Program must remain within the physical proximity of a parent, legal guardian or mentor which means they must be capable of receiving verbal directions and instructions, and be in constant visual contact with the supervising parent, legal guardian or mentor at all times.
6. A minor participating in the Pilot Youth Deer Hunting Program must abide by all other federal, state and local laws, rules and regulations applicable to hunting including, but not limited to, manner of take, bag limits, hunting hours, geographical or general implement restrictions, hunting seasons, tagging, transporting and reporting requirements.

#### SECTION 8. Filing

In accordance with ECL § 11-0935.2, a copy of this Local Law shall be filed with the New York State Department of Environmental Conservation. And in accordance with Municipal Home Rule § 27, a copy shall be filed with the New York State Department of State.

#### SECTION 9. Severability

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so determined to be unconstitutional or invalid.

#### SECTION 10. Repeal

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

#### SECTION 11. Effective Date

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

*Referred to Law Committee – 6/14/21*

*Favorable Recommendation Law Committee – 7/28/21*

*Ms. Plotsky proposed the following amendment:*

*Section 1 shall be amended to read as follows:*

*“This Local Law shall be known as “The Kevin Busch Pilot Youth Deer Hunting Program.””*

*Section 2 shall be amended to read as follows:*

*“Kevin Busch was an avid sportsman and dedicated Youth Hunter Education Program Instructor since 2003, and was committed to the future of hunting, and a strong supporter of encouraging safety for future hunters. In furtherance of his legacy and consistent with the provisions of Environmental Conservation Law section 11-0935, this Local Law is adopted to authorize the expansion of youth hunting and allow licensed hunters ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian, or mentor.”*

*Amendment was adopted by unanimous vote.*

*On long roll call vote the following members voted in favor: Messrs. Beston, Bruschi, Burgdorf, Clay, Cleary, Commisso, Domalewicz, Drake, Efekoro, Ethier, Feeney, Fein, Grimm, A. Joyce, R. Joyce, Ms. Lekakis, Messrs. Mauriello, Miller, O'Brien, Perlee, Peter, Ms. Plotsky, Messrs. Reidy, Ricard, Simpson, Smith, Touchette, Tunny, Ward, Mss. Whalen and Willingham – 31*

*Those opposed – 0*

*Local Law was adopted as amended – 8/9/21*